

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
**August 13, 2020**

The Queen Anne's County Planning Commission met on Thursday, August 13, 2020, at 8:45 A.M. The following members were present: Jeffrey Reiss, Tom Leigh, Sharon Dobson, Teddy Baker, Kathy Deoudes and Arthur Ebersberger.

Also present were Michael Wisnosky, Director Department of Planning and Zoning; Amy Moredock, Principal Planner; Rob Gunter Development Review Principal Planner, Brennan Tarleton, Senior Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

Chairman Reiss introduced and welcomed newly appointed Planning Commissioners Ms. Kathy Deoudes and Mr. Arthur Ebersberger.

**1. Public Comment** – No comments received

**2. Meeting Minutes Review** – Upon motion made by Commissioner Dobson, seconded by Commissioner Baker and passed by voice vote, the June 11, 2020 Planning Commission Minutes were approved as presented.

**3. Extension Requests** – None.

**4. UPDATES: Legislation and Legal Matters** – Mr. Michael Wisnosky, Planning and Zoning Director, said there were no legislative or legal updates other than the legislation that is on the agenda today.

**5. Public Hearing – Goldsboro Materials, LLC – Concept Plan and Board of Appeals Recommendation – SP #19-10-0044** – Mr. Christopher Drummond, Planning Commission Attorney, read the Notice of Public Hearing to hold a Public Hearing concerning a Conditional Use Application, submitted by Petitioner, Goldsboro Materials, LLC, c/o Francis E. Gardiner, for a newly proposed 60 acre Sand and Gravel Major Extraction Operation located on the west side of Maryland Route 313 north of the intersection with Ell Downes Road, Ingleside, Maryland (Tax Map 31, Grid 24, Parcel 40). Mr. Drummond stated that he was satisfied the notice requirements have been met to convene the Public Hearing.

Mr. Drummond then stated that he would be recusing himself from the meeting as he represents the owner of the property.

The Planning Commission took short break to comply with the posted time of the Public Hearing and reconvened at 9:00 A.M., at which time Mr. Drummond said in his absence County Attorney Patrick Thompson is present to assist the Planning Commission.

Mr. Brennan Tarleton, Senior Planner, described the highlights of the applicant's request for Concept Plan approval and a favorable recommendation to the Board of Appeals for a 60-acre Major Extraction Sand and Gravel Operation on 94.534 acres of land on the west side of Goldsboro Road north of Ell Downes Road, in Ingleside.

Mr. Francis Gardiner, Goldsboro Materials, clarified the operating hours to begin at 6:30 A.M. on Saturday rather than 6:00 A.M. and mistakenly stated in the report. He stated that the Archeological Reserve Areas are required per the State mining permit and does not need to be a condition, but the applicant has no concerns if the Planning Commission decides to include it.

Mr. Skip Gardiner, Goldsboro Materials, described the history of the company in the area, and stated that all trucks will be from another company that they own so they will have full control of their operation, including a GPS systems on every truck so that he can monitor routes and speeds. He stated that all routes would be on State roads, and they would be required to make some road improvements. Mr. Gardiner said that crops would need to be cleared and the archeological review process would take 4 to 6 months and possibly longer if they find anything requiring catalog.

Mr. Matt Lucas, Queen Anne's County Department of Public works, said that he was satisfied with the plant species and stormwater as provided for Concept Plan, but they would need to provide more detail as they proceed.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time no comments were received and the Public Hearing was closed at 9:25 A.M.

Upon review and further consideration, the following motion was made by Commissioner Ebersberger, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Goldsboro Materials, LLC** for Concept Plan Approval for the creation of a 60-acre Major Sand and Gravel Mining Operation with associated improvements on 94.534 acres of land on the west side of Goldsboro Road north of Ell Downes Road, in Ingleside, and as more particularly described in Department of **Planning & Zoning** file **SP-19-10-0044**, shall be and is hereby granted.

Upon further review and consideration, the following motion was made by Commissioner Dobson, seconded by Commissioner Ebersberger, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Goldsboro Materials, LLC** for recommendation

to the Board of Appeals for Conditional Use approval for the creation of a 60-acre Major Sand and Gravel Mining Operation with associated improvements on 94.534 acres of land on the west side of Goldsboro Road north of Ell Downes Road, in Ingleside, and as more particularly described in **Department of Planning & Zoning file SP-19-10-0044**, hereby forwards a favorable recommendation to the Board of Appeals under Sections 19:1-14-C(7) and 18:1-95.E with the following conditions to be addressed; (1) a copy of an MDE Mining Permit is obtained and supplied as part of the application for Site Plan review, (2) fully engineered stormwater design and an updated stormwater report must be submitted as part of the Site Plan application, (3) the Phase II Archeological study required by MHT is supplied as part of the Site Plan application, (4) a landscaping maintenance and inspection agreement and a cash surety / bond for all landscaping is provided with the Site Plan application, (5) Haul trucks shall adhere to the approved haul route as discussed and presented, (6) there shall be no truck parking on Goldsboro Road (MD Route 313), no stacking or parking outside of the gate, no use of Jake brakes, no tailgate slamming either on site or on the public road, and the applicant shall post a sign with a notice regarding these restrictions, (7) any legal documents are reviewed and approved by the Planning Commission Attorney, (8) any changes to the end use plan must be submitted to the Planning Commission for a recommendation to the Board of Appeals for amendment to the Conditional Use, (9) any and all financial sureties for reclamation, landscaping, stormwater management, and enforcement, etc., are in place before final permits are granted, (10) all State permits are in place prior to final permitting by Queen Anne's County, (11) any outstanding documentation or comments stemming from agency reviews are addressed prior to the Board of Appeals hearing.

**6. County Sponsored Text Amendment TACO #20-08 – §18App-1 (Definitions) and §18:1, Article V (Zoning and Subdivision Regulations, District Standards and Permitted uses in open space)** – Ms. Amy Moredock, Principal Planner, provided the background of the proposed amendment and supplied all information requested by the Planning Commission during their extensive review and deliberation on May 14, 2020.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time the following comments were received:

(A) **Mr. Joseph Stevens, Esq.**, on behalf of Mr. Fulk, expressed appreciation to staff regarding their work on the ingredient issue.

(B) **Mr. Kip Fulks** said that growing hops in Maryland is an issue because of soils, but they have found a few varieties that work with the soils in Queen Anne's County. He said that strawberries, grain, and other plants can also be added. He said requiring a County Conditional Use slows down the process and is unnecessary as the State and Federal regulations are extensive, however, a Conditional Use for a promotional event or wedding makes sense.

Mr. Drummond stated that the proposal allows whatever your liquor license permits, within the context of the impact to the neighborhood.

The Planning Commission recessed for a short break at 10:10 A.M. and reconvened at 10:20 A.M.

(C) **Ms. Carmen Renee**, 208 Surrey Lane, said there is too much that is currently unknown to understand where events and hops will be, and a site plan is needed to know what Mr. Fulk is going to do.

(D) **Ms. Kirsten Siegel**, 202 Surrey Lane asked whether this was a review of the bill or of a project.

(E) **Mr. Brian and Ms. Shawna Truitt**, Patriot Acres Farm Brewery, submitted comments suggesting removal of the 2 acre requirement and anything referencing special events as they are more restrictive than surrounding counties and inhibit agritourism, especially for small start-up farming operations.

Ms. Vivian Swinson, Queen Anne's County Zoning Administrator, stated that enforcement is an issue, so would like the number of people and hours of operation regulated.

Upon review and further consideration, the following motion was made by Commissioner Reiss, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission makes a favorable recommendation for approval to the Queen Anne's County Commissioners for **Text Amendment / County Ordinance #20-08** to modify § 18App-1 (Definitions) and § 18:1, Article V (Zoning and Subdivision Regulations, District Standards and Permitted uses in open space) to add clarifying language to the existing definition of "agriculture" specific to "alcohol production facilities." with the following findings of consistency; (1) Queen Anne's County Land Use Article - the proposed amendment is consistent with the Agricultural and Countryside zoning districts, the Maryland Department of Agriculture's Guidance documents relative to the agritourism industry, and with similar uses which are

subject to Conditional Use project review and uses prohibited in open space areas, and (2) Queen Anne's County 2010 Comprehensive Plan - the proposed amendment is consistent with the many goals, principles, and strategies identified, specifically, the Guiding Principles for Economic Development and Tourism and the agricultural industry terminology as defined, and as attached hereto and labeled "Exhibit A".

**7. Comprehensive Plan Workshop** – Ms. Lauren Good of Wallace Montgomery lead the Planning Commission in a Comprehensive Plan 2021 Update work session. Ms. Good's presentation included an overview of the 2010 Comprehensive Plan's Vision, Guiding Principles and Community Plans. She then detailed the Work Plan Overview, Public Involvement Plan, Project Schedule and said the website is currently under construction. Lastly, she reviewed the homework questions she asked the Planning Commissions to submit by September 4, 2020 for a data reveal during the October Planning Commission meeting.

#### **8. Miscellaneous Staff Items**

**(A)** Mr. Michael Wisnosky, Director, informed the Planning Commission of his resignation / retirement effective September 4, 2020, and expressed his genuine appreciation for the support the Planning Commission provided for me and the entire staff.

**(B)** Ms. Amy Moredock, Principal Planner, provided the following legislative updates:

**(1) TA/CO 20-03** Timing of development impact fee collection and assignment of an administrative fee for the processing of deferred impact fee payments in Queen Anne's County – County Commissioners held a Public Hearing June 23, 2020 and tabled for amendment.

**(2) TA/CO 20-04** Accessory Dwelling Unit Provisions in the Resource Conservation Area – was approved by the Critical Area Commission on August 5, 2020 and will be scheduled for a Public Hearing before the County Commissioners.

**(3) TA/CO 20-05** Lot width dimensions and other bulk standards for duplex units in Grasonville Neighborhood Commercial (GNC) and Grasonville Village Commercial (GVC) – was approved by the County Commissioners July 14, 2020 and becomes effective August 29, 2020.

**(4) TA/CO 20-11** Updates to the Building Code for Queen Anne's County – will be presented to the County Commissioners. Ms. Vivian Swinson, Zoning Administrator said the update will include removing dates so that the Code will automatically update to the most current codes in every area without annual need for review and approval.

**9. Public Comment**

Mr. Jay Falstad sent comment that he was unable to log into the meeting to comment during the Goldsborough project review to provide Queen Anne's Conservation's concerns.

**10. Miscellaneous** – Commissioner Leigh requested follow up to the Public Information Act documents disseminated to Planning Commission members regarding the dissolution of the contract with the Comprehensive Plan consultant. Chairman Reiss said that he responded to Mr. Mohn's email of March 12, 2020 and requested/offered to meet with the County Commissioners, and they have taken no further action.

County Commissioner Jim Moran said the email from Mr. Mohn was in error as the Commission had only entertained Mr. Reiss stepping down as Chairman, not resigning from Planning Commission. Additionally, he stated it was his mistake, as President, to act on documents provided by the consultant and the Planning Department without offering Commissioner Reiss the opportunity to explain his side. He said that the majority of the County Commissioners, upon receiving Commissioner Reiss' email response, did not feel he should be removed as Chairman or from the Planning Commission.

Upon further discussion regarding the absence of Commissioner Jackson and the recent appointment of two Planning Commission Members, the Planning Commission decided to have the Public Information Act documents re-distributed by Chairman Reiss to all Planning Commissioners in order to conduct a vote of confidence at the September meeting.

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:27 P.M.

RESPECTFULLY SUBMITTED,

  
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Tom Leigh, Secretary

Exhibit A

COUNTY ORDINANCE NO. 20-08

A BILL ENTITLED

AN ACT CONCERNING provisions for alcohol production facilities (to include distilleries) in the Agricultural and Countryside Districts in Queen Anne's County, defining certain terms and correcting the definition of farm brewery;

FOR THE PURPOSE of creating conditional use provisions in Agricultural and Countryside Districts in Queen Anne's County for alcohol production facilities; prohibiting such uses in the permitted open space areas of Queen Anne's County; defining alcohol production facilities and distilleries and correcting a typographical error in the definition of farm brewery in Chapter 18App-1 (Definitions) of the Code of Public Local Laws of Queen Anne's County, Maryland.

BY AMENDING Sections 18:1-12, 18:1-14, 18:1-15, and 18App-1 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-12, 18:1-14, 18:1-15, and 18App-1 of the Code of Public Local Laws be and are hereby AMENDED to read as follows:

§ 18:1-14 Agricultural (AG) District

. . . .

C. Conditional uses.

[Amended 9-5-2006 by Ord. No. 06-10]

. . . .

(2.5) Alcohol production facility.

. . . .

§ 18:1-15 Countryside (CS) District.

. . . .

C. Conditional uses.

[Amended 9-5-2006 by Ord. No. 06-10]

. . .

(2.5) Alcohol production facility.

. . .

§ 18:1-12 Permitted uses in open space.

- A. The following are permitted or conditional uses allowed in open space areas required by this Chapter 18:1. Any use not specifically listed below is not permitted in required open space areas.  
[Amended 6-12-2007 by Ord. No. 06-22; 8-19-2008 by Ord. No. 08-15; 12-13-2011 by Ord. No. 11-07; 8-13-2013 by Ord. No. 13-15; 1-23-2018 by Ord. No. 17-17]

A	B	C
Non-contiguous Open Space/TDR	Multifamily/ Manufactured Home Community/ Master Planned Residential Development	Single-Family Cluster Development

Allowable Uses			NC	All Other
Agricultural uses	Y	N	Y	Y
<u>Alcohol production facility</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

§ 18App-1 Definitions.

. . .

AGRICULTURE

All methods of production or management of livestock, poultry, crops, vegetation and soil, other than commercial logging and timber harvesting operations; and includes but is not limited to:

- A. Tillage, plowing, seeding, fertilization, pest control, harvesting, maintenance of best management practices, and marketing;
- B. Feeding, housing, grazing, raising, and maintaining animals such as cattle, dairy cows, sheep, hogs,



poultry and equine and the handling of their by-products;

- C. Orchards, nurseries, vineyards, cheese making, winery, and U-pick operations, and farm breweries [~~Amended 3-21-2017 by Ord. No. 16-21~~]; and
- D. Silviculture, sod production, and aquaculture.
- E. Alcohol production facilities including but not limited to limited to distilleries, farm breweries\*, vineyards, and wineries. [\*Amended 3-21-2017 by Ord. No. 16-21]

. . .

#### ALCOHOL PRODUCTION FACILITY

An accessory farm-based business for the manufacture of alcoholic beverages by a state-licensed brewery, distillery, or winery. This use is secondary to the primary agricultural use of the property where the activities such as on-farm processing of agricultural products and agritourism promotional events occur. At least 2 acres of the agricultural product used to produce the alcoholic beverage shall be grown on site.

. . .

#### DISTILLERY

A part of a producing farm operation that establishes and operates a plant for distilling, rectifying, blending, and bottling spirits under a Class 1 Manufacturer's license pursuant to §2-202 of the Alcoholic Beverages Article, as amended, of the Annotated Code of Maryland. Retail sales and tasting facilities for distilled spirits and related promotional items shall be permitted as part of the use.

. . .

#### FARM BREWERY

A part of a producing farm operation that brews beer from ingredients grown and produced on the farm. Incidental operations include fermenting, distilling, blending, aging, storing, administrative activities, warehousing, bottling, and shipping facilities. Retail sales and tasting facilities for beer and related promotional items shall be permitted as part of the use. Planned promotional events or other organized

activities as permitted under ~~Section 2-110~~ § 2-210 of the Alcoholic Beverages Article, as amended, of the Annotated Code of Maryland are included in this definition. [Added 3-21-2017 by Ord. No. 16-21]

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46<sup>th</sup>) day following its adoption.

INTRODUCED BY: Commissioner \_\_\_\_\_

DATE: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

VOTE: \_\_\_\_\_ Nay \_\_\_\_\_

DATE OF ADOPTION: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_